

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEVIN RICHARDSON,

Case No. 2:23-cv-00037-ART-EJY

Petitioner,

ORDER

v.

RUSSELL,

Respondents.

On February 28, 2022, Petitioner Kevin Richardson, whose real name appears to be Daniel W. Beard, filed a petition for writ of habeas corpus in the United States District Court for the Northern District of California and paid the \$5.00 filing fee. (ECF No. 19.) The Northern District of California dismissed Richardson's petition with leave to amend, instructing Richardson to file an amended petition within 28 days. (ECF No. 24.) Richardson filed an amended petition for writ of habeas corpus on the Northern District of California's form, which differs from this Court's form, on July 29, 2022, and "supplemental information" on August 5, 2022. (ECF Nos. 25, 26.) On January 5, 2023, the Northern District of California transferred this case to this Court because Richardson "was convicted in the Clark County Superior Court in the State of Nevada" and "is incarcerated at NNCC." (ECF No. 27.) This Court entered a minute order on January 10, 2023, directing future documents filed in this action bear the new case number: 2:23-cv-00037-ART-EJY. (ECF No. 29.) That minute order was returned as undeliverable with the notation that Richardson is now located at High Desert State Prison. (ECF No. 30.)

On January 26, 2023, this Court ordered Richardson to file a second amended petition for writ of habeas corpus on this Court's form and a notice of

1 change of address within 45 days. (ECF No. 32.) A courtesy copy of the order was
2 sent to Richardson at the High Desert State Prison. (*See id.* at 2.) Richardson was
3 warned that “failure to timely comply . . . by (1) filing a second amended petition
4 for writ of habeas corpus on this Court’s form and (2) filing a notice of change of
5 address” would “result in the dismissal of this action without prejudice and
6 without further advance notice.” (*Id.*)

7 This Court’s January 26, 2023, order was returned, presumably because
8 it was addressed to Kevin Richardson and not Daniel Beard. (ECF No. 33.) As
9 such, on February 3, 2023, this Court sent a courtesy copy of the January 26,
10 2023, order to Daniel Beard at High Desert State Prison. (ECF No. 34.) The Court
11 “further ordered that the deadlines set by [the] January 26, 2023, order (ECF No.
12 32) remain[ed] in effect.” (*Id.*)

13 The 45-day deadline set by the January 26, 2023, order expired on March
14 13, 2023. To date, Richardson has not filed a second amended petition, a notice
15 of change of address, requested an extension of time, or taken any other action
16 to prosecute this case.

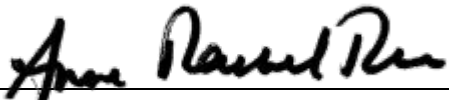
17 It is therefore ordered that this action is **dismissed without prejudice**
18 based on Petitioner Kevin Richardson’s failure to comply with the Court’s order
19 (ECF No. 32). A certificate of appealability is denied, as jurists of reason would
20 not find dismissal of the petition for the reasons stated herein to be debatable or
21 wrong.

22 It is further ordered that the Clerk of Court is instructed to add Nevada
23 Attorney General Aaron D. Ford as counsel for Respondents. No response is
24 required from Respondents other than to respond to any orders of a reviewing
25 court. Pursuant to Rule 4 of the Rules Governing Section 2254 Cases, the Clerk
26 of Court is instructed to informally serve the Nevada Attorney General with the
27 petition (ECF No. 19), amended petition (ECF No. 25), this Court’s previous orders
28 (ECF Nos. 32, 34), and this order by sending a notice of electronic filing to the

1 Nevada Attorney General's office.

2 It is further ordered that the Clerk of Court is further directed to enter final
3 judgment accordingly, dismissing this action without prejudice, and close this
4 case.

5 DATED THIS 6th day of April 2023.

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8 ANNE R. TRAUM
9 UNITED STATES DISTRICT JUDGE
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